

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pete D. Vogt

Serial No.: 10/714,026 Examiner: John J. Tabone, Jr

Filed: November 14, 2003 Group Art Unit: 2117

Confirmation No.: 2857

For: LANE TESTING WITH VARIABLE MAPPING

Date: September 30, 2008

**APPLICANT'S COMMENTS ON THE EXAMINER'S  
STATEMENT OF REASONS FOR ALLOWANCE**

Responsive to the Notice of Allowability mailed July 18, 2008, Applicant has the following comments on the Examiner's Statement of Reasons for Allowance ("Statement"):

In the Statement, the Examiner asserts that claim 12 is the broadest claim. Applicant does not address this assertion as the Statement is not an appropriate forum for discussing whether certain claims are broader than others; rather, an Examiner's opportunity to enunciate reasons for allowance as set forth in 37 C.F.R. 1.104(e) (e.g., in a Statement) primarily exists "to improve the quality and reliability of issued patents by providing a complete file history which should clearly reflect, as much as is reasonably possible, *the reasons why the application was allowed*" (see M.P.E.P. § 1302.14(I), *emphasis added*).

The Examiner goes on to assert that the prior art of record teaches certain features in the claims, but Applicant does not necessarily agree with these assertions. The Examiner also asserts that the prior art of record fails to teach certain features specifically identified in

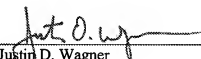
independent claims 12 and 19. While the Examiner focuses attention on certain specific features in the claims as being patentable, however, Applicant submits that there are other features recited in the claims that, individually or in combination with other features, may provide additional reasons for patentability.

Finally, Applicant submits that patent claims are to read as a whole, rather than phrase by phrase or element by element. Therefore, the scope of each allowed claim is not necessarily limited to specific features mentioned in the Statement; rather, the scope of each allowed claim is defined by the language of the claim itself, in its entirety.

**Customer No. 32231**

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

  
Justin D. Wagner  
Reg. No. 54,519

MARGER JOHNSON & McCOLLOM, P.C.  
210 SW Morrison Street, Suite 400  
Portland, OR 97204  
(503) 222-3613